



1
2
3
4
Entered on Docket
March 13, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

5
6
LEWIS AND ROCA LLP

7 Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
8 Las Vegas, Nevada 89169-5996
Telephone (520) 629-4427
Facsimile (520) 879-4705
9 Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

10
11 Attorneys for USACM Liquidating Trust

12
**ORRICK, HERRINGTON &
SUTCLIFFE LLP**

13 Marc A. Levinson (CA 57613)
pro hac vice
Jeffery D. Hermann (CA 90445)
pro hac vice
400 Capitol Mall
Sacramento, California 95814
Telephone: (916) 447-9200
Facsimile: (916) 329-4900
Email: malevinson@orrick.com
jhermann@orrick.com

14 Attorneys for USA Capital Diversified Trust Deed Fund, LLC

15
SNELL & WILMER, LLP

16 Robert R. Kinas (NV 06019)
Claire Dossier (NV 10030)
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rkinas@swlaw.com
cdossier@swlaw.com

17
UNITED STATES BANKRUPTCY COURT

18
DISTRICT OF NEVADA

19 In re:

20 USA COMMERCIAL MORTGAGE COMPANY,

21 USA CAPITAL REALTY ADVISORS, LLC,¹

22 USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

23 USA CAPITAL FIRST TRUST DEED FUND, LLC,²

24 USA SECURITIES, LLC,³

25 Debtors.

26 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR

Case No. BK-S-06-10726-LBR¹

Case No. BK-S-06-10727-LBR

Case No. BK-S-06-10728-LBR²

Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOF OF CLAIM
OF PHILIP L. & MARY ORNDOFF 1977
FAMILY TRUST FILED IN WRONG
DEBTOR'S CASE; AND SUSTAINING
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: February 3, 2009

Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.



1 The Court having considered the "Objection of USACM Trust to Proof of Claim of
 2 Philip L. & Mary Orndoff 1977 Family Trust Filed in Wrong Debtor's Case; Objection of
 3 DTDF to Proposed Allowance of Claim" [Docket No. 6694] (the "Objection"); with
 4 appearances as set forth in the record at the hearing noted above; appropriate notice of the
 5 Objection having been given; no response to the Objection having been filed; and good
 6 cause appearing:

7 **IT IS HEREBY ORDERED** that:

8 1. The Objection is sustained;
 9 2. Proof of Claim No. 10725-01435 is disallowed in its entirety as against USA
 10 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
 11 and

12 3. Philip L. & Mary Orndoff 1977 Family Trust's equity interest in DTDF is
 13 allowed in the amount of \$168,165.63 as reflected in the books and records of DTDF as of
 14 April 13, 2006.

15 PREPARED AND RESPECTFULLY SUBMITTED BY:

16 **LEWIS AND ROCA LLP**

17 By /s/ John Hinderaker (018024)
 18 Rob Charles
 19 John Hinderaker
 20 3993 Howard Hughes Parkway, Ste. 600
 21 Las Vegas, Nevada 89169-5996
 22 Telephone: (520) 629-4427
 23 Facsimile: (520) 879-4705

24 *Attorneys for USACM Liquidating Trust*

16 **SNELL & WILMER, LLP**

17 By /s/ Claire Dossier (010030)
 18 Robert R. Kinias
 19 Claire Dossier
 20 3883 Howard Hughes Parkway, Suite 1100
 21 Las Vegas, Nevada 89169
 22 Telephone (702) 784-5200
 23 Facsimile (702) 784-5252
 24 and

25 **ORRICK, HERRINGTON &
 26 SUTCLIFFE LLP**

26 Marc A. Levinson
 27 Jeffery D. Hermann
 28 400 Capitol Mall, Suite 3000
 29 Sacramento, California 95814-4497
 30 Telephone: (916) 447-9200
 31 Facsimile: (916) 329-4900

32 *Attorneys for USA Capital Diversified
 33 Trust Deed Fund, LLC*



1 APPROVED/DISAPPROVED

2
3 By: _____
4 August Landis
5 Assistant United States Trustee
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



1 In accordance with Local Rule 9021, the undersigned certifies:

2 The Court waived the requirements of LR 9021.

3 No parties appeared or filed written objections, and there is no trustee appointed
4 in this case.

5 I have delivered a copy of this proposed order to all counsel who appeared at the
6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
7 appointed in this case, and each has approved or disapproved the order, or failed
to respond, as indicated below (list each party and whether the party has
approved, disapproved, or failed to respond to the document):

8 U.S. Trustee:	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 #####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19 Rob Charles

20 John Hinderaker

21 *Attorneys for USACM Liquidating Trust*